

U.S. Application No.
09/646,807

International Application No.
PCT/AU99/00195

Attorney Docket No.
DAVI105.001APC

PCT \$
#3

Date: December 1, 2000

Page 1



I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on

12-1-00

(Date)

Daniel E. Altman
Daniel E. Altman, Reg. No. 34,115

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 USC 371

International Application No.: PCT/AU99/00195
International Filing Date: March 19, 1999
Priority Date Claimed: March 20, 1998
Title of Invention: CONTROL OF GENE EXPRESSION
Applicant(s) for DO/EO/US: Michael Wayne Graham and Robert Norman Rice

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- (X) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated November 1, 2000.
- (X) An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- (X) A power of attorney and/or address letter with copy of Assignment.

(X) Fees as calculated below:	12/08/2000 ERIHANDO 00000043 111410 09646807
	01 FC:966 450.00 OP
	02 FC:154 130.00 OP
FILING FEE PAID SEPTEMBER 20, 2000	03 FC:964 4.00 CH 156\$00 970
Total Claims Not Paid - 45 (25x\$18=\$450)	\$ 450
Independent Claims Not Paid - 5 (2x\$78=\$156)	\$ 156
SURCHARGE 37 CFR 1.492(e) for submission of the Declaration after 30 months from the priority	\$ + 130
TOTAL OF ABOVE CALCULATIONS	\$ 736
TOTAL FEES SUBMITTED HEREWITH	\$ 736

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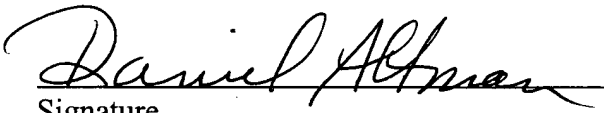
Date: December 1, 2000

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- (X) A check in the amount of \$736 to cover the above fees is enclosed.
- (X) A return prepaid postcard.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO:

KNOBBE, MARTENS, OLSON & BEAR, LLP
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660


Signature

Daniel E. Altman
Printed Name

34,115
Registration Number

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DEA/JAH



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/646807	GRAHAM	M DAV1105 001

KNOBBE MARTENS OLSON & BEAR LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH, CA 92660

INTERNATIONAL APPLICATION NO.	
PCT/AU99/00195	
I.A. FILING DATE	PRIORITY DATE
19 MAR 99	20 MAR 98
DATE MAILED: 01 NOV 2000	

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☐ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed 20 SEP 2000 and
- ☐ Information Disclosure Statement(s) filed and
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report and copies of the references cited therein.
- ☒ Other: PCT/IB/306

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DEC 12 2000
DEA May 1 2001
JAH

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$456.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed:
- ☐ PCT/DO/EO/917
 - ☐ Notice of Defective Translation
 - ☒ PTO-875
- FORM PCT/DO/EO/905 (December 1997)

Esther Dove
Esther Dove, Paralegal

Telephone: 703-305-5460